

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 15799 of 2023

Petitioner :- Anchal Rajbhar And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Gorakh Yadav

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Gorakh Yadav, learned counsel for the petitioners as well as learned A.G.A.

By means of the present petition under Article 226 of the Constitution of India, the petitioners are assailing the legality and validity of the FIR dated 7.9.2023 registered as Case Crime No. 103 of 2023, under Section 366 IPC, Police Station Bahariyabad, District Ghazipur.

Upon hearing learned counsel for the parties and upon a perusal of the record, it reveals that the petitioners are in living relationship. Admittedly, petitioner no. 2-Jaihind Rajbhar is a minor boy and dependent upon his parents, whereas the date of birth as per High School Certificate, petitioner no. 1-Anchal Rajbhar is 27.5.2004. It is surprising that a minor boy who himself is a dependent upon his father claiming that he wants to be in living relationship with petitioner no. 1.

In view of the above, there is no occasion or reason to quash the FIR in exercise of power conferred under Article 226 of the Constitution of India. The prayer for quashing the FIR is declined and refused.

Accordingly, the writ petition stands **rejected**.

Order Date :- 9.10.2023

M. Tarik